

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

**AVATAR MEHER BABA
HEARTLAND CENTER, INC.,** an
Oklahoma non-profit corporation,

Plaintiff,

v.

**STATE FARM FIRE & CASUALTY
COMPANY,** an Illinois corporation,

Defendant.

No. CIV-17-1034-M

State Court Case No. CJ-2017-5010
District Court of Oklahoma County

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant State Farm Fire and Casualty Company, (“State Farm”) hereby removes this action from the District Court of Oklahoma County, Oklahoma, where it was filed as Case No. CJ-2017-5010, to the United States District Court for the Western District of Oklahoma. As the grounds for removal, State Farm states as follows:

1. On September 5, 2017, Plaintiff Avatar Meher Baba Heartland Center, Inc., commenced an action against Defendant State Farm in the District Court of Oklahoma County, in the State of Oklahoma, titled *Avatar Meher Baba Heartland Center, Inc. v. State Farm Fire & Casualty Company*, Case No. CJ-2017-5010 (the “State Court Action”).

2. State Farm is filing this notice of removal within the 30-day period provided by 28 U.S.C. § 1446(b).

3. Pursuant to 28 U.S.C. § 1446(a) and Local Rule LCvR 81.2, State Farm has attached as exhibits to this Notice of Removal true and legible copies of all documents filed or served in the State Court Action. A copy of the Docket Sheet from the State Court Action is attached as Exhibit 1. A copy of the Petition, filed September 5, 2017, is attached as Exhibit 2. At the time of filing this Notice of Removal there have been no other filings or proceedings in the State Court Action except that attached as Exhibit 2.

Diversity Jurisdiction

4. Plaintiff is an Oklahoma non-profit corporation. Ex. 2.

5. State Farm is and was at the time of filing the Petition a citizen of Illinois. *See* 28 U.S.C. § 1332(c) (“For the purposes of this section and section 1441 of this title...a corporation shall be deemed a citizen of every State and foreign state by which it has been incorporated and the State or foreign state where it has its principal place of business....”). State Farm is a corporation incorporated under the laws of Illinois with its principal place of business in Bloomington, Illinois. Thus, there is complete diversity of citizenship between the Plaintiffs and Defendant.

6. Plaintiffs further allege that their actual damages exceed \$75,000.00. *See* Ex. 2, Pet., ¶¶ 8, 11.

7. Accordingly, the requirements for diversity jurisdiction are satisfied.

Venue and Notice

8. Venue is appropriate in this Court, as this Court is in the district in which the State Court Action was pending.

9. Written notice of the filing of this Notice of Removal will be given promptly to Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the Oklahoma County District Court, as required by 28 U.S.C. § 1446(d).

Accordingly, State Farm removes all claims in the State Court Action from the District Court for Oklahoma County, Oklahoma, to the United States District Court for the Western District of Oklahoma.

Dated: September 28, 2017

Respectfully submitted,

s/ Mia Vahlberg

Mia Vahlberg, OBA No. 20357
Katherine McDonald, OBA No. 32064

GABLEGOTWALS

1100 ONEOK Plaza

100 West Fifth Street

Tulsa, Oklahoma 74103

Telephone (918) 595-4800

Facsimile (918) 595-4990

mvahlberg@gablelaw.com

kmcdonald@gablelaw.com

Jeff Curran, OBA No. 12255

GABLEGOTWALS

One Leadership Square, 15th Floor

211 North Robinson

Oklahoma City, OK 73102-7101

(405) 235-5500 | (405) 235-2875 (fax)

jcurran@gablelaw.com

COUNSEL FOR DEFENDANT

STATE FARM FIRE AND CASUALTY CO.

CERTIFICATE OF MAILING

I do hereby certify that on September 28, 2017, a true, correct and exact copy of the NOTICE OF REMOVAL was served by U.S. first class mail to those parties listed below:

Daniel P. Sparks, Vice President
AVATAR MEHER BABA
HEARTLAND CENTER, INC.
NBU 7804, 1319 Barta
Prague, OK 74864

PRO SE PLAINTIFF

s/Mia Vahlberg
Mia Vahlberg